

REMARKS

Telephone Interview Summary

On August 2, 2004, the Applicant's representative (hereinafter "Applicants") conducted a telephone interview with Examiners Gilligan and Kalinowski. During this interview the Applicants discussed distinguishing characteristics between the present invention and the cited prior art. More specifically, the Applicants discussed Published Application No. 2002/0035484 to McCormick (hereinafter "McCormick") and the claimed subject matter of claims 31-34. The Applicants stressed that one feature of the present invention not disclosed in the cited prior art is the interactive customized messaging provided to physicians based on a particular physician's profile. The Applicants pointed out that although McCormick discloses sending advertising to physicians, this is not the same as the customized messages of the present invention. In the present invention, customized messages are targeted to a doctor relative to the doctors specific practice concerns. Such customized messages are simple and quick interactive messages which inquire whether the doctor would be interested in more information related to a specific topic. To respond, the doctor simply need to click yes/no, email me/do not email me, or the like. The Examiner stated that he had not fully considered this feature and indicated his belief that it may be novel over the cited prior art.

The Examiner then suggested, and the Applicants agreed, that the Applicants would file an RCE with the claims amended to incorporate the "customized messages" limitations into the independent claims. Furthermore, the Applicants respectfully requested that the Examiner grant an interview prior to issuing a first office action in the RCE application, which the Examiner agreed to do.

Outstanding Rejection

The Examiner rejected claims 1-44 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,737,539 to Edelson *et al.* (hereinafter "Edelson") in view of Bennahum, David, "Docs for Docs" (hereinafter "Bennahum") and Published U.S. Application No. 2002/0035484 to McCormick (hereinafter "McCormick").

Discussion of Claimed Subject Matter

Applicants, have cancelled claims 1-44 without prejudice. Applicants reserve the right to pursue the subject matter of the cancelled claims in a continuation application.

New claims 45-88 are directed to the customized interactive message feature discussed with the Examiner in the interview. No new matter has been added. Support for the new claims can be found throughout the specification, drawings, and claims as originally filed. In particular, support can be found on pages 19, 20 and 23 of the specification, as filed. After entry of this amendment, the pending claims are claims 45-88.

The new independent claims are directed to the interactive message feature of the present invention. Each interactive message sent to a physician's handheld computing device is customized to that particular physician, based on the physicians profile. Furthermore, each message is interactive, i.e., allows the physician to interact with the contents of the message, such as by answering a question, clicking on a button, etc. In some embodiments, the interactive message asks the physician whether he would like to participate in Continuing Medical Education (CME) on the handheld computing device. If the physician responds in the affirmative, CME material is transmitted to the physician. The CME material may include educational material or multiple choice exams for CME credit.

Unlike the present claims, the cited art does not disclose providing a physician with timely and relevant information that is customized specifically for an individual physician. Furthermore, unlike the claimed subject matter of the present invention, the cited art does not disclose providing Continuing Medical Education (CME) information to the physician in response to an interactive message. For at least these reasons, the present invention is patentable over the cited art of record.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the claims of the application are allowable over the cited prior art. Should the Examiner believe that a telephone interview would help advance the prosecution of this case, the Examiner is encouraged to contact the undersigned attorney at 650-843-7519.

Authorization is given to charge any necessary fees for the continued examination of this application to Morgan, Lewis & Bockius LLP's Deposit Account No. 50-0310 (Order No. 061018-0007-US). A copy of this sheet is enclosed for such purpose.

Date: November 17, 2004

Respectfully submitted,


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